

U.S.S.N. 10/628,609

REMARKS – General**General:**

Applicants kindly thank the Examiner for providing a clear, self-contained, well-written Office Action. Inclusion of the relevant sections of the prior art, as well as element by element analysis of applicant's claims, made the Office Action both efficient to read and easy to understand. Applicants commend the Examiner for implementing this best practice.

Objections to the Specification:

The most recent Office Action (OA) objects to the specification due to the following informality: on page 4, line 3, Applicant's included a co-pending application by reference and identified the co-pending application only by serial number. As noted by the OA, the application has now matured into U.S. Patent No. 6,316,916. As such, applicants have amended the spccification to recite the now issued patent number. Applicant's respectfully request reconsideration of the objection in light of this amendment.

Claim Rejections Under 35 U.S.C. §103:

The most recent OA rejects claims 1-4 under 35 U.S.C. §103(a) as being unpatentable over Dunstan, U.S. Patent No. 5,541,489, in view of Maggert et al., U.S. Patent No. 6,765,366, hereinafter "Maggert". Specifically, the OA submits that Dunstan teaches all of the elements of Applicant's claims 1 through 4 except for Applicant's means of processing data. The OA submits that Maggert teaches Applicant's means of processing data and that it would therefore be obvious to one of ordinary skill in the art that the time the invention was made to combine Dunstan and Maggert to obtain Applicant's invention.

Applicant's kindly thank the Examiner for pointing out that claims 5 through 8 would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Applicants have amended claim 1 so as to recite all of the limitations of prior claim 5 including the base claim and any intervening claims,

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except for claims 3 and 4, which now depend from amended claim 1. In other words, Applicant's have amended claim 1 to recite the limitations of claims 1, 2 and 5. Applicant's respectfully submit that claim 1, as amended, is now in condition for allowance as neither Dunstan nor Maggert teach a method where calculating the time to completion for a rapid charging state includes the steps of subtracting an amount of energy stored in the rechargeable battery at a maximum energy capable of being stored with the rechargeable battery and then dividing by a rapid charge rate. Since neither reference teaches such a method, Applicant's respectfully submit that claim as amended is now in condition for allowance. Applicant's respectfully request reconsideration of the rejection in light of this amendment.

Similarly, claim 6 has been amended to recite the limitations of claims 1, 2 and 6. As with the Amended claim 1, Applicant's respectfully submit that neither Dunstan nor Maggert teaches a method where calculating the time to completion for the discharging state comprises the step of dividing the maximum energy capable of being stored by a discharge rate. As neither reference teaches this claim limitation, Applicants respectfully submit that claim 6, as amended is now in condition for allowance. Applicants respectfully request reconsideration of the rejection in light of this amendment.

Additionally, claim 7 has been amended to depend from either claim 1 or 6 as amended. Further, original claims 3 and 4 now depend from claim 1. Claim 8, which originally dependent from claim 7, has been left unchanged.

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CONCLUSION

For the above reasons, Applicants believe the specification and claims are now in proper form, and that the claims all define patentably over the prior art. Applicants respectfully submit that this application is now in condition for allowance. Should the Examiner have any questions or comments, the Examiner is cordially invited to telephone the undersigned Attorney of record to expedite the prosecution of this case.

Respectfully submitted,



Philip H. Burrus, IV
Attorney for Applicants
Registration No.: 45,432
770-338-3614 (fax 3557)